



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Zauderer *et al.*

Appl. No.: 09/824,787

Filed: April 4, 2001

For: **Gene Differentially Expressed
in Breast and Bladder Cancer,
and Encoded Polypeptides**

Confirmation No.: 2970

Art Unit: 1643

Examiner: Harris, Alana M.

Atty. Docket: 1821.0040001/EKS/T-M

Third Supplemental Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450
Sir:

Listed on accompanying Form PTO/SB/08A are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Third Supplemental Information Disclosure Statement is a continuation of the numbering of Applicants' Second Supplemental Information Disclosure Statement filed July 6, 2005, in connection with the above-captioned application.

In accordance with 37 C.F.R. § 1.98(a)(2), copies of U.S. patent application publications, documents **AS30-AR31**, cited on the attached Form PTO/SB/08A, are not submitted.

The Examiner's attention is directed to the following co-pending U.S. Patent Applications, which are directed to related technical subject matter:

Application No. 09/833,203, inventors Zauderer *et al.*, filed April 12, 2001, published as US 2003/0166277 A1, cited herein as document **AS30**;

Application No. 10/457,829, inventors Zauderer *et al.*, filed June 10, 2003, published as US 2004/0063907 A1, cited herein as document **AT30**; and

Application No. 10/887,230, inventor Zauderer, filed July 9, 2004, published as US 2005/0042218 A1, cited herein as document **AR31**;

The identification of these U.S. Patent Applications is not to be construed as a waiver of secrecy as to these applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached Form PTO/SB/08A based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Zauderer *et al.*
Appl. No. 09/824,787
Atty. Docket: 1821.0040001/EKS/HCC/T-M

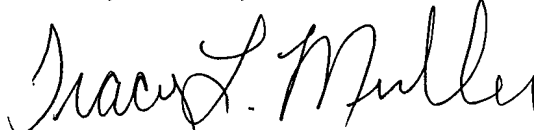
This Information Disclosure Statement is being filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO/SB/08A, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

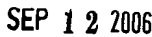
Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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**FIFTH SUPPLEMENTAL
INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet	1	of	1
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Complete if Known

Application Number	09/824,787
Filing Date	April 4, 2001
First Named Inventor	Maurice ZAUDERER
Art Unit	1643
Examiner Name	Harris, Alana M.
Attorney Docket Number	1821.0040001/EKS/T-M

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

581964 1.DOC

Examiner
Signature

Date
Considered

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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